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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,573	06/14/2000	Olivier Casile	YOR9-1999-0577-US1	7644

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Yorktown Heights, NY 10598

EXAMINER
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SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/593,573

Applicant(s)

OLIVIER CASILE

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 07/09/07 have been fully considered but they are not persuasive.

With respect to the rejection of the last office action, applicant discusses the prior art of **Fries (6,317,885)** and further argues that the prior does not teach the claims limitations (see page 10+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's argues, however, Fries discloses, Head end (HE) 22 which obtains secondary content (Internet data or pages) which relates to the main primary content, an authoring station (Carousel Server 46) for creating a schedule for delivery of the secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and Cyclically delivering (Carousel Server 46) the secondary content based on the schedule and comprises content for use by an interactive TV application and provides control information with the secondary content (figs.2 10-12, col.4, lines 4-55). Fries, further discloses that, "...frequently accessed page may be placed in the carousel 50 more than once at spaced-apart locations...increasing its frequency therein..."(col.8, lines 13-25) and "...a carousel, it is feasible to have the server 46, execute a program that selectively injects the pages into the transport stream. For example, based on statistical information such as page popularity in conjunction with the time of day, (information which may be sampled and polled from the set-top box 28), more popular pages can be injected more frequently into the stream than less popular pages. The maximum latency

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for a given page can be controlled..."(col.34, lines 13-36). Fries illustrates in figs.2, 9-12 receiving Carousel Builder 146, receiving metadata via server 46 connected to Internet and cyclically delivering the metadata to STB based on statistical information in relation with the main broadcast content. Hence the 102(e) rejection is proper, meets all the claim limitations as repeated below in the office action. **This office action is made Final.**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 12-13, 16-17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by **Fries (6,317,885)**.

As to claim 1, note the **Fries** reference figures 1-3 and 10-12, discloses an interactive entertainment and information system using TV STB and further discloses a method for providing secondary content related to primary content in a broadcast stream comprising the steps of:

Obtaining (Head end 'HE' 22) secondary content which relates to the main

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primary content (col.4, lines 4-55); An authoring station for creating a schedule (Carousel Server 46) for delivery of the secondary data content in a predetermined relation to the non-cyclic broadcasting of the primary content; and Cyclically delivering (Carousel Server 46) the secondary content based on the schedule and comprises content for use by an interactive TV application and provides control information with the secondary content (figs.2 10-12, col.8, line 13-25, col.9, line 33-col.10, line 46, col.11, line 59-col.12, line 58, col.13, line 59-col.15, line 32, col.19, line 30-col.20, line 22 and col.34, lines 13-36).

As to claim 2, Fries further discloses creating a schedule for the first delivery of the secondary content prior to delivery of the primary content and at least one successive delivery of the secondary content after commencement of delivery of the primary content (col.11, line 59-col.12, line 58, col.13, line 59-col.15, line 32, col.19, line 30-col.20, line 22).

As to claims 3-10, Fries further discloses dynamically modifying the schedule by adjusting the schedule based on the viewer's interaction, receiving at least one viewer request for retransmission and rebroadcasting of the Web content and responds to the at least one viewer request, selectively transmitting the request to the viewer, generating the request based on a poll of viewers requests and interactions, counting the number of viewer requests for retransmission of the secondary content and where the rebroadcasting is conducted upon receipt of a threshold number of viewer requests for retransmission and where the responding to at least one viewer request comprises narrowcasting the secondary content (col.4, lines 4-28, col.8, lines 13-25, col.11, line

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59-col.12, line 58, col.13, line 58-col.15, line 21, col.22, line 52-col.23, line 3 and col.33, line 19-col.34, line 36).

As to claim 11, Fries further discloses displaying notification data for notifying the viewer of the delivering of secondary content (col.15, lines 22-32 and col.33, line 19-col.34, line 36).

As to claim 12, Fries further discloses the transport mechanism for the primary content is analog TV broadcast stream and the transport mechanism for the secondary content comprises VBI within the analog TV broadcast stream (col.3, lines 22-65).

As to claim 12, Fries further discloses where the transport mechanism for the MPEG TV content is a digital television broadcast stream, and the transport mechanism for the secondary data is additional data stream within the digital television broadcast stream (col.3, lines 22-65, col.13, line 59-col.15, line 32, and col.33, line 19-col.34, line 36).

Claims 14-16 are met as previously discussed with respect to claim 1.

As to claim 17, Fries further discloses where providing control information comprises including at least one unique identifier for the secondary data, an identification of the MPEG TV content to which the Web content pertains, scheduling information for future broadcasting of the secondary data, timing information regarding relating the GUI data to the MPEG TV content (col.3, lines 22-65, col.13, line 59-col.15, line 32, and col.33, line 19-col.34, line 36).

Claim 18 is met as previously discussed with respect to claims 3-10.

As to claim 19, the claimed "a system for providing secondary content related to

a primary content..." is composed of the same structural element that were discussed in the rejection of claim 1.

Claim 20 is met as previously discussed with respect to claims 3-10.

As to claims 21 and 22, Fries further discloses where transmitting over telephone channel and over coaxial cable (col.3, lines 2-65 and col.33, line 19-col.34, line 36)

As to claim 23, Fries further discloses where transmitting over a wireless return channel (col.3, lines 36-41).

As to claim 24, note the **Fries** reference figure 3, discloses an apparatus for providing display of primary content and secondary content related to the primary content which is broadcast from a broadcast location comprising:

A receiving component (see fig.3, input/70/71) for receiving an input stream from the broadcast location, Head end 'HE' 22 (col.5, line 9-50);

A processing component (88/89/90/92/52/94) for identifying cyclic secondary content in the input stream and for handling the secondary content (col.5, line 37-col.6, line 15);

At least one buffer location for receiving the secondary content of the input stream from the processing component and for buffering the secondary content (col.5, line 9-50 and col.33, line 56-col.34, line 36); and

A display component (82/96/98) for displaying the primary content from the input stream and for receiving the secondary content from the at least one buffer location and displaying the secondary content; where the processing component comprises means for extracting control information from the input stream and for handling the secondary

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content based on the control information (col.5, line 37-col.6, line 55 and col.33, line 56-col.34, line 36).

Claim 26 is met as previously discussed with respect to claims 3-10.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

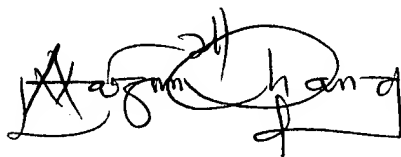
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone



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number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

**Annan Q. Shang**